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10 The Honorable Ricardo S. Martinez
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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15 KENNETH FLEMING, JOHN DOE, R.K., and
16 T.D.,

NO. 04-2338 RSM

17 Plaintiffs,

DECLARATION OF RICHARD E.
PETTIT

20 v.

21
22 THE CORPORATION OF THE PRESIDENT
23 OF THE CHURCH OF JESUS CHRIST OF
24 LATTER-DAY SAINTS, a Utah corporation
25 sole, a/d/a "MORMON CHURCH"; LDS
26 SOCIAL SERVICES a/d/a LDS FAMILY
27 SERVICES, a Utah corporation,

28 Defendants.

29
30 I, Richard E. Pettit, declare as follows:

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32 1. I am a member of The Church of Jesus Christ of Latter-day Saints ("LDS
33 Church"), and served as a bishop of the Kent 2nd Ward of that Church from approximately 1975
34 until 1981.

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36 2. I am the father of Scott Pettit, who is also a member of the LDS Church.

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39 DECLARATION OF RICHARD E. PETTIT - 1
40 No. 04-2338 RSM

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1 3. When my son Scott was approximately 13 years of age, he told me that he had
2 been touched inappropriately on a Scout outing by Jack LoHolt, a member of the Kent 2nd Ward
3 who served in a Scouting capacity.
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5 4. After Scott told me of the inappropriate touching, I went to talk with the man who
6 was Bishop of the Kent 2nd Ward at that time, Randall Borland, to tell him of LoHolt's actions.
7 Within a week of our conversation, Bishop Borland released LoHolt from his Scouting position.
8

9 5. Bishop Borland, as my Bishop, was my spiritual advisor. I sought him out for the
10 purposes of spiritual counseling and guidance. I was not sure how to respond to my son's report
11 of LoHolt's actions. I also hoped the Bishop might do something regarding LoHolt's
12 involvement in Scouting, which the Bishop did.
13

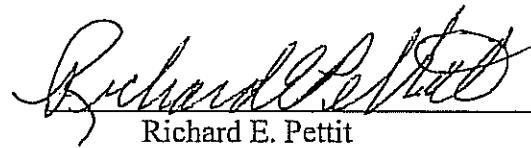
14 6. When I talked to Bishop Borland I expected that my conversation with him would
15 be confidential. I believed that Bishop Borland was bound by the clergy privilege, and that he
16 could not share what I told him with anyone else without my permission.
17

18 7. I did not expect Bishop Borland to call Child Protective Services or the police
19 department to report what Jack LoHolt had done. If I thought that was necessary or appropriate,
20 I would have done it myself.
21

22 8. When I testified at my deposition in this case on December 13, 2005, I waived the
23 clergy privilege and talked about my conversation with Bishop Borland. From approximately
24 February, 1972 when I talked to Bishop Borland until December 13, 2005, I did not waive that
25 privilege, and I expected everything I told Bishop Borland to be kept confidential.
26

27 **I declare under the laws of the State of Utah and of the United States that the**
28 **foregoing is true and correct.**
29

1 Signed this 16 day of June, 2006.
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Richard E. Pettit

10 CERTIFICATE OF SERVICE
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I hereby certify that on Aug 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following. The parties will additionally be served in the manner indicated.

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